

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

BRANDA OLUSHOLA, §
Plaintiff, §
§
v. § CIVIL ACTION NO. 4:24-CV-510-P
§
TARRANT COUNTY HOSPITAL DISTRICT §
d/b/a JPS HEALTH NETWORK, §
Defendant. §

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION REGARDING PLAINTIFF'S
COMPLAINT**

On June 3, 2024, *pro-se* Plaintiff Branda Olushola filed a Complaint against Defendant stating, “[Plaintiff’s] claim for recovery under Section 1981 is based upon 42 U.S.C. § 1981, which provides that all persons within the United States shall have the same right to make and enforce contracts and to the full and equal benefit of all laws as is enjoyed by white citizens.” (Plaintiff’s Complaint (“Pl.’s Compl.”) at 23).

Previously, on August 15, 2022, Plaintiff filed a Complaint for Violation of Civil Rights in cause number 4:22-cv-704-P. Thereafter, in 4:22-cv-704-P, Plaintiff, on November 14, 2022, filed an Amended Complaint in which she brought the identical claim against the same Defendant that she is bringing in this current suit. In cause number 4:22-cv-704-P, the undersigned, in a Findings, Conclusions, and Recommendation Regarding Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint (“FCR”) dated April 5, 2023, recommended that Plaintiff’s case be dismissed because Plaintiff had failed to state a valid claim against Defendant, who is a governmental entity, under section 1981 because she failed to assert such a claim through section 1983. (*See* doc. 31 in 4:22-cv-704-P.) Judge Pittman, the district court judge assigned to the case in 4:22-cv-704-P (as well as the current case), issued an order on April 28, 2023, adopting the undersigned’s FCR [doc.

35] and issued a Final Judgment [doc. 36] dismissing Plaintiff's claim without prejudice. Plaintiff did not file an appeal.

Now, Plaintiff is trying to get the proverbial "second bite at the apple" by filing an essentially identical suit asserting the same claim against the same Defendant. Plaintiff adds, *inter alia*, some additional language to the newly-filed Complaint setting forth her reasons why she believes the undersigned erred in his FCR and Judge Pittman erred in wrongly dismissing the previously-filed suit. (Pl.'s Compl. at 18-19.) If Plaintiff disagreed with the decision in the previous case, her proper remedy was to file a timely appeal and not waste limited judicial resources by waiting over a year after the dismissal to file an identical suit that suffers from the same defects as the original suit.

Based on the foregoing, the Court **FINDS, CONCLUDES, and RECOMMENDS** that the above-styled and numbered cause be **DISMISSED** for the reasons stated in the Court's FCR [doc. 31] in 4:22-cv-704-P.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions

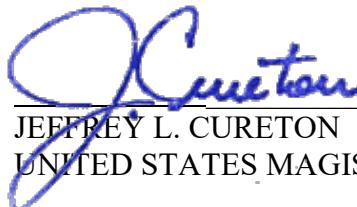
accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **June 19, 2024**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions, and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED June 4, 2024.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE